

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.<sup>1</sup>

PROMESA

Title III

No. 17-BK-3283-LTS

(Jointly Administered)

**This filing relates to the  
Commonwealth.**

**REPLY OF THE COMMONWEALTH OF PUERTO RICO TO RESPONSE FILED BY  
MARÍA V. PERÉZ RODRÍGUEZ [ECF NO. 22853] TO THE FIVE HUNDRED THIRTY-  
EIGHTH OMNIBUS OBJECTION (NON-SUBSTANTIVE) TO  
INCORRECT DEBTOR CLAIMS**

To the Honorable United States District Judge Laura Taylor Swain:

The Commonwealth of Puerto Rico (the “Commonwealth” or the “Debtor”), by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the sole Title III representative of the Debtors pursuant to Section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),<sup>2</sup> files this reply (the

<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

<sup>2</sup> PROMESA is codified at 48 U.S.C. §§ 2101-2241.

“Reply”) in support of the *Five Hundred Thirty-Eighth Omnibus Objection (Non-Substantive) of the Commonwealth of Puerto Rico to Incorrect Debtor Claims* [ECF No. 20501] (the “Five Hundred Thirty-Eighth Omnibus Objection”). The Commonwealth respectfully represents as follows:

1. On May 16, 2018, Pérez Rodríguez filed a claim, which was logged by Prime Clerk LLC (now Kroll Restructuring Administration LLC) as Proof of Claim No. 16333 (the “Claim”). The Claim asserts “possible retirement benefits debt” as its basis in the amount of \$995,748.00. It identifies PREPA in Box 6, which asks the creditor whether they “have a claim against a specific agency or department of the Commonwealth of Puerto Rico.” Although the Claim identifies PREPA, it specifies the Commonwealth Title III case as the relevant case. No other information or documentation was provided with the Claim.

2. On October 28, 2022, the Commonwealth filed the Five Hundred Thirty-Eighth Omnibus Objection seeking to reclassify certain claims (the “Claims to Be Reclassified”) which identify the Commonwealth as obligor, when they should be properly asserted, if at all, against the Puerto Rico Electric Power Authority (“PREPA”). Any party who disputed the Five Hundred Thirty-Eighth Omnibus Objection was required to file a response by 4:00 p.m. (Atlantic Standard Time) on November 28, 2022 in accordance with the Court-approved notice attached to the Five Hundred Thirty-Eighth Omnibus Objection as Exhibit C, which was served in English and Spanish on the individual creditors subject to the Five Hundred Thirty-Eighth Omnibus Objection, the U.S. Trustee, and the Master Service List (as defined in the *Sixteenth Amended Case Management Order* [ECF No. 20190-1]). *See Certificate of Service* [ECF No. 22938].

3. On November 10, 2022, María V. Pérez Rodríguez (“Pérez Rodríguez”) filed a Spanish-language response, titled *Motion to the Five Hundred and Thirty-Eighth Omnibus (Non-Substantive) Objection of the Commonwealth of Puerto Rico to Improper Debtor Claims*, to the

Five Hundred Thirty-Eighth Omnibus Objection [ECF No. 22853] (the “Response”).

4. In the Response, Pérez Rodríguez starts by arguing that the Five Hundred Thirty-Eighth Omnibus Objection objects to the Claim as “unnecessary.” *Id.* at 1. She then turns to arguments apparently intended to demonstrate why the claim is not “unnecessary.” First, she argues that “[t]he fact that Act 22 L.P.R.A. grants the PREPA the power to sue and be sued does not give the State immunity from being liable for its actions or omissions.” Response at 4. Second, she argues that “the State itself, by law, authorized suing it” for “[a]ctions to claim movable and immovable property or rights thereon, with or without damages for the damages caused to said property or for its income and utilities, and for the demarcation of rural property.” *Id.* Pérez Rodríguez concludes the Response by noting that “[f]ailure to hold the State responsible would relieve it of its obligation by allowing it to expropriate my right to a pension in order to satisfy the public debt.” *Id.*

5. The Commonwealth is not, however, seeking to disallow or expunge the Claim. Rather, the Debtor is seeking to merely transfer the Claim to the PREPA Title III case because, as described immediately above, Pérez Rodríguez herself identifies PREPA as the governmental agency against which the Claim is asserted. Accordingly, Pérez Rodríguez will retain her Claim for allegedly accrued but unpaid benefits as asserted against PREPA, and will therefore not be prejudiced by the Five Hundred Thirty-Eighth Omnibus Objection.

6. For the foregoing reasons, the Commonwealth respectfully requests that the Court grant the Five Hundred Thirty-Eighth Omnibus Objection and reclassify the Claim, notwithstanding the Response.

Dated: April 11, 2023  
San Juan, Puerto Rico

Respectfully submitted,

/s/ Hermann D. Bauer

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